S.B.Civil Writ Petition No.262/2007
(Major Singh vs. State of Rajasthan & Ors.)

Date of order : January 17, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr. GR Goyal, for the petitioner

By the instant writ petition, the petitioner has challenged the order dated 3.8.2006 (Annex.-13) by which the petitioner has been placed under suspension. Learned counsel for the petitioner has relied on the decision of this Court Dr. M.S. Bhatnagar Vs. State of Rajasthan and Ors., reported in 1(1992) CSJ (HC) 195. The order of suspension is appealable in view of the provisions of Rule 298 of the Rajasthan Panchayati Raj Rules, 1996 (for short 'the Rules of 1996' hereinafter) as Rule 22 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (for short 'the Rules of 1958' hereinafter) has been made applicable**.** Rule 22 of the Rules of 1958 deals with appeals against the orders of suspension and provides that a Government Servant may appeal against an order of suspension to the authority to which the authority which made or is deemed to have made the order, is immediately subordinate.

In the instant case, the petitioner is having alternative remedy of appeal under Rule 22 of the Rules of 1958 and without availing the alternative remedy of appeal, the

petitioner has filed the instant writ petition. Therefore, in my view, the writ petition is not maintainable.

The writ petition is, therefore, dismissed as not maintainable. However, it is open for the petitioner to file an appeal before the concerned authority within fifteen days from today and if such an appeal is being filed, the same shall be decided within a period of three months therefrom including the question of change of head quarter of the petitioner.

(H.R.PANWAR),J.

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